(4) SINGLE BENCH

CP/1002

S.B. (Service Matter)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

(CHHATTISGARH)

WRIT PETITION (S) NO.929 /2007.

PETITIONER: Smt.Jyoti Pathak, wife of Devendra Pathak, aged about 38 years, Asst. Teacher, Govt. Girls Primary School, Sarkanda, Block Bilha, District Bilaspur, Chhattisgrah.

P.F. No. 1182/07 Presented by Shri Smt Shma dated 9/2/07

versus

Respondents

1. State of Chhattisgarh, Through The Secretary School Education Department Ministry D.K.S.Bhawan, Raipur, Chhattisgarh.
2. The District Education Officer,District Bilaspur, (C.G.)
3. Block Education Officer. Block – Bilha, District Bilaspur, (C.G)

OATH COMMISSIONER BILASPUR TAHSIL AR... (S.R. Kaushik)

RECEIVED COPY 9/2/07 CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF MANDAMUS, CERTIORARI OR ANY OTHER WRIT OF LIKE NATURE

The petitioner most humbly begs to submit as under :-

(32)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 929 of 2007

Petitioner : Smt. Jyoti Pathak

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. Amit K. Sharma, Advocate for the petitioner.

Ms. Sunita Jain, Panel Lawyer for the State/respondents.

O R D E R

(Passed on this 20th Day of February, 2007)

1. The petitioner was appointed on 12.07.1995 as Assistant Teacher on fixed pay scale of Rs. 1200/-. After completion of two year probation, he was granted regular pay scale of Rs. 1200-2040/-.
2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether, the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed

by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Har Prasad Kurre and others vs. State of Chhattisgarh & others {W. P. (S) No. 5191/2006} by order dated 3.10.2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Har Prasad Kurre and others vs. State of Chhattisgarh & others (Supra).

6. In view of that, this petition is disposed of in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash